IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET

CRIMINAL APPLICATION NO.1207 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.S.V.More,A.P.P.for the Applicant
Mr.Milind Deshmukh for Respondent No.2.

CORAM: A.S.OKA,J.
DATE : OCTOBER 6,2006.

P.C.:

1. Heard learned A.P.P. for State. The acquittal of the accused is for offence alleged under section 342, 324, 504 and 506 read with section 34 of the Indian Penal Code. This Application cannot be considered as against the accused No.1 as the application for condonation of delay has already been dismissed as against the accused No.1.

2. The first informant in the F.I.R. disclosed that the brother of one Sanjay Wakhare was one of the accused persons. On the basis of report filed on 20th July 1996, after lodging of the F.I.R., the name of the second Respondent was added as an accused person. The learned Trial

Judge has observed that there was non compliance with sub section 2 of section 155 of the Code of Criminal Procedure, 1973. The learned Judge after considering the decision of the Apex Court reported in A.I.R. 1979 S.C. page 1042 held that the prosecution case cannot be accepted. The learned Judge has referred to oral evidence. The learned Judge observed that out of 10 to 12 independent witnesses who were present on the spot, only one was examined by the prosecution. It is observed that in the evidence there are serious discrepancies.

3. The view taken by the learned Judge is a possible view which could have taken on the basis of evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE